

**MINUTES**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, SEPTEMBER 14, 2004**  
**COUNTY COMMISSIONERS HEARING ROOM, ROOM 112**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Ray Stevens, Chair  
Larry Hudkins, Vice Chair  
Bernie Heier  
Deb Schorr  
Bob Workman

Others Present: Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, September 7, 2004.**

**MOTION:** Workman moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting dated September 7, 2004. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **CLAIMS: Approval of all claims processed through Tuesday, September 14, 2004.**

**MOTION:** Schorr moved and Hudkins seconded approval of all claims processed through September 14, 2004. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

- A. Comprehensive Plan Amendment 04020, requested by the Director of Planning on behalf of the Nebraska Department of Roads, to amend the Mobility and Transportation element of the 2025 Lincoln/Lancaster County Comprehensive Plan, to upgrade U.S. Highway 77/West Bypass from an expressway to freeway status beginning at the planned South Beltway interchange just south of Saltillo Road and ending at Interstate 80. (See New Business Item 5A for correlating resolution.)**

The Chair opened the public hearing and asked if anyone wished to testify.

The Clerk administered the oath to Syed Ataullah, State of Nebraska, Department of Roads.

Ataullah gave a brief history of the Highway 77 corridor and also submitted his comments in writing (Exhibit 1). Also submitted into the record was a site map/fact sheet regarding Comprehensive Plan Amendment 04020 (Exhibit 2).

The Clerk administered the oath to Bob Grundman, President of the Star City Optimist Youth Foundation.

Grundman appeared in opposition to the closing of Old Cheney Road at U.S. Highway 77. He stated the Foundation feels that the closure of Old Cheney at Highway 77 will hinder access to the complex and that the State should provide alternatives other than closing streets. Submitted into the record were his written comments (Exhibit 3).

The Clerk administered the oath to Don Thomas, County Engineer.

In response to a question asked by Workman, Thomas stated he felt the paving of South Folsom Street from Old Cheney Road to West Denton Road was inevitable and reminded the Board that the project was a ways off.

The Clerk administered to oath to Roger Figard, City Engineer.

In response to a question asked by Heier regarding why a decision needs to be made at the present time, Figard stated part of the City's and County's responsibility with the Metropolitan Planning Organization is to look 20 years out.

Hudkins asked what provisions have been made to accommodate semi-trucks in relation to the grain trade coming in to Lincoln if 14<sup>th</sup> Street and Old Cheney Road is changed to a four-way stop.

4) **PUBLIC HEARINGS CONTINUED:**

Figard stated it was designed in a way that large trucks can make the turning movement relatively easy. He added that they will be unaccustomed to it, however, over time they will adjust and it will work well.

Hudkins stated he would like to look at alternatives to the closure of Old Cheney. He also urged the Board to leave the hearing open to allow further testimony.

The Clerk administered the oath to Eldon Poppe, Road and Bridge Design Engineer with the State of Nebraska, Department of Roads.

Stevens asked under what conditions the State would build an overpass on Highway 77 to go over Old Cheney Road.

Poppe responded that at the present time the State was not prepared to pay for an overpass under any conditions. The study did not show that it would be warranted.

Stevens asked under what scenario would Pioneers Boulevard be a grade separation and not an interchange.

Poppe stated that at the present time their study shows that an interchange is warranted there and the Department is willing to fund the interchange.

Schorr suggested that the Comprehensive Plan Amendment be placed on pending with a request to the Planning Department to change language to indicate that the County Board is willing to accept the language of support for changing U.S. Highway 77 to freeway status and to not allow at grade interchanges at Pioneers Boulevard and Old Cheney Road.

Workman indicated that the proposal was out of order because the public hearing is open.

The Chair asked if anyone else wished to testify.

No one appeared.

**MOTION:** Heier moved and Hudkins seconded to recess the public hearing.

**FRIENDLY AMENDMENT:** Hudkins offered that the hearing be held open until Tuesday, December 7, 2004 at 1:30 p.m..

4) **PUBLIC HEARING CONTINUED:**

The maker of the motion accepted the friendly amendment.

**ROLL CALL:** Workman, Hudkins, Schorr, Heier and Stevens voted aye. Motion carried.

5) **NEW BUSINESS:**

**A. A resolution in the matter of Comprehensive Plan Amendment 04020, requested by the Director of Planning, on behalf of the State of Nebraska, Department of Roads, to upgrade U.S. Highway 77/West Bypass from an expressway to freeway status, as provided in Exhibit "A". (R-04-0113)**

By direction of the Chair Resolution 04-0113 in the matter of Comprehensive Plan Amendment 04020, requested by the Director of Planning, on behalf of the State of Nebraska, Department of Roads, to upgrade U.S. Highway 77/West Bypass from an expressway to freeway status, as provided in Exhibit "A" was placed on pending.

**B. An application for a Special Designated License from the Wine Merchants, Inc. to provide liquor beverage service for a wedding reception on Friday, October 1, 2004 from 5 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street.**

**MOTION:** Schorr moved and Hudkins seconded approval of an application for a Special Designated License from the Wine Merchants, Inc. to provide liquor beverage service for a wedding reception on Friday, October 1, 2004 from 5 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street. Heier, Workman, Schorr, Hudkins and Stevens voted aye. Motion carried.

**C. A cooperative agreement with the United States Department of the Interior, U.S. Geological Survey for joint funding of water resources investigations. The agreement is for the operation and computation of records for four gaging stations, which are Salt Creek at Roca, Little Salt Creek near Lincoln, Stevens Creek near Lincoln and Rock Creek near Ceresco. The County will pay \$9,145 for the service. Term of the agreement is October 1, 2004 to September 30, 2005. (C-04-0436)**

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Hudkins moved and Heier seconded approval of a cooperative agreement with the United States Department of the Interior, U.S. Geological Survey for joint funding of water resources investigations. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

**D. An agreement with Bollerup Law Office, P.C. for legal representation to indigent parents and juveniles in the Separate Juvenile Court of Lancaster County pursuant to Neb. Rev. Stat. §43-247(1), (2), (3)(a) and (b), (4), (5), (6) and (8). The County will pay up to \$243,000 for the services. Term of the agreement is from January 1, 2005 to December 31, 2007. (C-04-0437)**

**MOTION:** Heier moved and Schorr seconded approval of an agreement with Bollerup Law Office, P.C. for legal representation to indigent parents and juveniles in the Separate Juvenile Court of Lancaster County pursuant to Neb. Rev. Stat. §43-247(1), (2), (3)(a) and (b), (4), (5), (6) and (8). Schorr, Heier, Workman, Hudkins and Stevens voted aye. Motion carried.

**E. An agreement between the State Court Administrator's Office, Clerk of the District Court and Juvenile Court to install the Judicial Users System to Improve Court Efficiency (JUSTICE) system. (C-04-0438)**

**MOTION:** Hudkins moved and Heier seconded approval of an agreement between the State Court Administrator's Office, Clerk of the District Court and Juvenile Court to install the Judicial Users System to Improve Court Efficiency (JUSTICE) system. Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

**F. Acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Alternatives with Accountability Project. The County will receive \$209,874 in funds and there is a County required match of \$20,987. Term of the grant award is September 1, 2004 to August 31, 2005. (C-04-0440)**

**MOTION:** Heier moved and Hudkins seconded approval of the acceptance of a grant award from the Nebraska Commission on Law Enforcement and Criminal Justice for the Alternatives with Accountability Project. Heier, Hudkins, Schorr, Workman and Stevens voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**G. An agreement with Anderson, Creager & Wittstruck, P.C. for legal representation to indigent parties in proceedings arising pursuant to Neb. Rev. Stat. §43-247(1), (2), (3)(a) and (b), (4), (5), (6) and (8) in the Separate Juvenile Court of Lancaster County. Term of the agreement is from January 1, 2005 to December 31, 2007. The County will pay up to \$243,000 for the services. (C-04-441)**

**MOTION:** Schorr moved and Hudkins seconded approval of an agreement with Anderson, Creager & Wittstruck, P.C. for legal representation to indigent parties in proceedings arising pursuant to Neb. Rev. Stat. §43-247(1), (2), (3)(a) and (b), (4), (5), (6) and (8) in the Separate Juvenile Court of Lancaster County. Workman, Schorr, Hudkins, Heier and Stevens voted aye. Motion carried.

**H. An interlocal agreement between the City of Lincoln, Lancaster County and the Village of Malcolm for sales outlet locations for the Lincoln/Lancaster County keno lottery within Malcolm. The agreement is for a period of five years, effective upon execution. The proceeds will be distributed in the following manner: (1) Six percent of the gross keno proceeds to Malcolm; (2) Two percent of the gross proceeds to pay the state lottery tax; (3) One percent of the gross proceeds to Lincoln for administration costs; (4) 30 percent of the remaining proceeds to Lancaster County; and (5) 70 percent of the remaining proceeds to Lincoln. (C-04-0442)**

John Hewitt, Big Red Keno, was present to answer questions.

Stevens inquired about the definition of gross proceeds.

Hewitt stated he could not answer the question.

**MOTION:** Heier moved approval of an interlocal agreement between the City of Lincoln, Lancaster County and the Village of Malcolm for sales outlet locations for the Lincoln/Lancaster County keno lottery within Malcolm.

In response to a question asked by Hudkins, Kristy Mundt, Deputy County Attorney, stated the County Attorney's Office has no concerns regarding the agreement.

Schorr requested a letter clarifying the payout structure prior to the grand opening on September 22, 2004.

5) **NEW BUSINESS CONTINUED:**

Heier withdrew his motion.

**MOTION:** Heier moved and Hudkins seconded approval of an interlocal agreement between the City of Lincoln, Lancaster County and the Village of Malcolm for sales outlet locations for the Lincoln/Lancaster County keno lottery within Malcolm unless additional language is required.

**ROLL CALL:** Hudkins, Workman, Heier, Schorr and Stevens voted aye. Motion carried.

**I. A grant contract with Lighthouse, Inc. for funding for the After School Program, in the amount of \$15,000. Term of the agreement is July 1, 2004 to June 30, 2005. (C-04-0443)**

**MOTION:** Heier moved and Workman seconded approval of a grant contract with Lighthouse, Inc. for funding for the After School Program, in the amount of \$15,000. Term of the agreement is July 1, 2004 to June 30, 2005. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

**J. A grant contract with the Hispanic Community Center for funding for the Open Door Program, in the amount of \$12,500. Term of the agreement is July 1, 2004 to June 30, 2005. (C-04-0444)**

**MOTION:** Workman moved and Schorr seconded approval of a grant contract with the Hispanic Community Center for funding for the Open Door Program, in the amount of \$12,500. Term of the agreement is July 1, 2004 to June 30, 2005. Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

**K. An addendum to an agreement with the Institute for Social and Economic Development, under County Contract C-02-0118, to provide evaluation of the Lancaster County Adult Drug Court through the recidivism impact analysis, a drug court impact analysis and an annual report. The addendum extends the performance period and final reporting due date to December 31, 2004. (C-04-0439)**

5) **NEW BUSINESS CONTINUED:**

**MOTION:** Schorr moved and Hudkins seconded approval of an addendum to an agreement with the Institute for Social and Economic Development, under County Contract C-02-0118, to provide evaluation of the Lancaster County Adult Drug Court through the recidivism impact analysis, a drug court impact analysis and an annual report. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

**L. Recommendation from the Purchasing Agent and the County Engineer to award a bid for gravel hauling for various stockpiles within Lancaster County as follows: (B-04-0038)**

**Project 05-09H - 4,000 Tons - Davey Stockpile**

Western Sand (Hauler)	\$2.20/ton	\$ 8,800
Western Sand (Producer)	\$6.90/ton	<u>\$27,500</u>
Total Davey Stockpile		\$36,400

**Project 05-10H - 6,500 Tons - Raymond Maintenance Station Stockpile**

H & H Trucking (Hauler)	\$2.72/ton	\$17,680
Bluff Gravel (Producer)	\$6.25/ton	<u>\$40,625</u>
Total Raymond Maintenance Station Stockpile		\$58,305

**Project 05-11H - 7,000 Tons - Roca Maintenance Station Stockpile**

LeRoy Hiskey Trucking (Hauler)	\$4.00/ton	\$28,800
Lyman-Richey (Producer)	\$6.75/ton	<u>\$47,250</u>
Total Roca Maintenance Station Stockpile		\$75,250

**Project 05-12H - 3,000 Tons - South 68<sup>th</sup> Street Stockpile**

Westover Trucking (Hauler)	\$4.85/ton	\$14,550
Lyman-Richey (Producer)	\$6.75/ton	<u>\$20,250</u>
Total South 68 <sup>th</sup> Street Stockpile		\$34,800

**Project 05-13H - 3,000 Tons - Southwest 12<sup>th</sup> & Saltillo Road Stockpile**

Buel Trucking (Hauler)	\$3.85/ton	\$11,550
Lyman-Richey (Producer)	\$6.75/ton	<u>\$20,250</u>
Total Southwest 12 <sup>th</sup> & Saltillo Road Stockpile		\$31,800

**Project 05-14H - 1,800 Tons - Southwest 100<sup>th</sup> Street & Hallam Road Stockpile**

Westover Trucking (Hauler)	\$6.14/ton	\$11,052
Lyman-Richey (Producer)	\$6.75/ton	<u>\$12,150</u>
Total Southwest 100 <sup>th</sup> Street and Hallam Road Stockpile		\$23,202

5) **NEW BUSINESS CONTINUED:**

**Project 05-15H - 4,500 Tons - Walton Maintenance Station Stockpile**

Western Sand (Hauler)	\$2.60/ton	\$11,700
Western Sand (Producer)	\$6.90/ton	<u>\$31,050</u>
Total Walton Maintenance Station Stockpile		\$42,750

**Project 05-16H - 8,200 Tons - Waverly Maintenance Station Stockpile**

Buel Trucking (Hauler)	\$2.30/ton	\$18,860
Lyman-Richey (Producer)	\$6.75/ton	<u>\$55,350</u>
Total Waverly Maintenance Station Stockpile		\$74,210

**Project 05-17H - 3,000 Tons - Emerald Maintenance Station Stockpile**

H & H Trucking (Hauler)	\$4.07/ton	\$12,210
Bluff Gravel (Producer)	\$6.25/ton	<u>\$18,750</u>
Total Emerald Maintenance Station Stockpile		\$30,960

**Project 05-18H - 4,000 Tons - Southwest 98<sup>th</sup> Street and Saltillo Road Stockpile**

H & H Trucking (Hauler)	\$4.82/ton	\$19,280
Bluff Gravel (Producer)	\$6.25/ton	<u>\$25,000</u>
Total Southwest 98 <sup>th</sup> Street & Saltillo Road Stockpile		\$44,280

**Total of hauling and production** **\$451,957**

Hudkins referred to Project 05-14H at Southwest 100<sup>th</sup> Street and Hallam Road and asked why the hauler, at \$6.14 per ton, was higher than the other projects.

**MOTION:** Heier moved and Workman seconded to award a bid for gravel hauling for various stockpiles within Lancaster County as recommended by the Purchasing Agent and the County Engineer with the exception of Project 05-14H (Southwest 100<sup>th</sup> Street and Hallam Road Stockpile). Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

**M. Recommendation from the Purchasing Agent and the County Property Manager to award a bid to Sprague Roofing Company, in the amount of \$61,400, to remove the existing roof and to install a new roof on the Midtown Center building, located at 2966 "O" Street. (B-04-0040)**

**MOTION:** Schorr moved and Hudkins seconded to award a bid to Sprague Roofing Company, in the amount of \$61,400, to remove the existing roof and to install a new roof on the Midtown Center building, located at 2966 "O" Street. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

**N. Recommendation from the Purchasing Agent, the County Property Manager and the Project Engineer to award a bid to Cheever Construction Company, in the amount of \$331,335, for the CenterPointe Juvenile Drug Rehabilitation Remodel to meet the needs of the Juvenile Detention Center. The price reflects the base bid price of \$408,575 with the deduction of Alternate 1 (-\$17,240) and Alternate 5 (-\$60,000). (B-04-0041)**

**MOTION:** Workman moved and Heier seconded to award a bid to Cheever Construction Company, in the amount of \$331,335, for the CenterPointe Juvenile Drug Rehabilitation Remodel to meet the needs of the Juvenile Detention Center. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

6) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

**A. Receive and Place on File:**

1. **County Assessor/Register of Deeds' Monthly Report for August, 2004.**
2. **Clerk of the District Court's Monthly Report for August, 2004.**
3. **County Clerk's Monthly Report for August, 2004.**
4. **Lancaster Manor's Monthly Report.**
5. **Noxious Weed Control Authority's Monthly Report for August, 2004.**
6. **Noxious Weed Control Authority's Monthly Report for August, 2004 for the Combined Weed Program with the City of Lincoln.**
7. **Records & Information Management's Monthly Report for August, 2004.**

**B. Setting of public hearings for Tuesday, September 28, 2004 at 1:30 p.m. in the County Commissioners Hearing Room, Room 112, on the first floor of the County-City Building regarding the following:**

1. **County Special Permit 04043**, requested by Audubon Nebraska, for authority to construct and operate an educational philanthropic institution to be used as a nature center, on property generally located at Southwest 100<sup>th</sup> Street and Saltillo Road in Lancaster County, Nebraska.

6) **CONSENT ITEMS CONTINUED:**

2. **County Change of Zone 04053**, from AG Agricultural District to AGR Agricultural Residential District, requested by Mark Hunzeker on behalf of Wapiti Enterprises, Inc., on property generally located at the southeast corner of Southwest 40<sup>th</sup> Street and Rokeby Road in Lancaster County, Nebraska.

**C. Request from Laura Brende, an employee with the Lancaster County Sheriff's Office, to voluntarily participate in the County's retirement plan having met the requirements.**

**D. Quitclaim deeds relating to road construction between Lancaster County and the following:**

- ▶ Richard D. and Elaine A. Caster on Rokeby Road between South 56<sup>th</sup> and South 70<sup>th</sup> Streets
- ▶ Daniel G. and Susan A. Maizner on Rokeby Road between South 56<sup>th</sup> and South 70<sup>th</sup> Streets
- ▶ Clark T. Splichal on Rokeby Road between South 56<sup>th</sup> and South 70<sup>th</sup> Streets
- ▶ Michael P. and Lynette S. Wilson on Rokeby Road between South 56<sup>th</sup> and South 70<sup>th</sup> Streets

**MOTION:** Schorr moved and Hudkins seconded approval of the Consent Items. Workman, Schorr, Heier, Hudkins and Stevens voted aye. Motion carried.

7) **OTHER BUSINESS:**

John Hamilton, 2101 South Street, appeared and explained that he has had to use the services of Diversion Services and has found them to be very helpful and timely. However, since the case was forwarded to the County Attorney's Office he has received no response from them and inquired how the system works.

8) **ADJOURNMENT:**

**MOTION:** Hudkins moved and Heier seconded adjournment of the Board of Commissioners meeting at 3:27 p.m.. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, SEPTEMBER 14, 2004  
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112  
FIRST FLOOR, COUNTY-CITY BUILDING  
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS  
MEETING**

Commissioners Present: Ray Stevens, Chair  
Larry Hudkins, Vice Chair  
Bernie Heier  
Deb Schorr  
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds  
Bruce Medcalf, County Clerk  
Kristy Mundt, Deputy County Attorney  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization was called to order at 3:27 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, September 7, 2004.**

**MOTION:** Schorr moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated September 7, 2004. Schorr, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **PUBLIC COMMENT:**

There was no public comment and the meeting proceeded as planned.

- 3) **ADDITIONS AND DEDUCTIONS:**

**.Approval of 50 additions and deductions to the tax assessment rolls per Exhibit "A".**

**MOTION:** Hudkins moved and Workman seconded approval of the additions and deductions to the tax assessment rolls. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

4) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS FOR THE FOLLOWING:**

**Capitol City Christian Church  
Sacred Heart Church**

**MOTION:** Heier moved and Workman seconded approval of the motor vehicle tax exemptions. Heier, Workman, Hudkins, Schorr and Stevens voted aye. Motion carried.

5) **ADJOURNMENT:**

**MOTION:** Heier moved and Workman seconded adjournment of the Board of Equalization meeting at 3:30 p.m.. Hudkins, Heier, Workman, Schorr and Stevens voted aye. Motion carried.

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Bruce Medcalf  
County Clerk